



March 26, 2003

---

---

## ENGROSSED HOUSE BILL No. 1149

---

DIGEST OF HB1149 (Updated March 25, 2003 11:27 AM - DI 77)

**Citations Affected:** IC 14-8; IC 14-10; IC 14-20; noncode.

**Synopsis:** State museums and historic sites. Allows the natural resources commission to set, collect, and review admission fees for historic sites. Makes changes to the organization and duties of the division of state museums and historic sites and the division's board of trustees. Establishes the historic site fund and requires the fees to be deposited in the fund. Provides that at least 51% of the fees collected from a particular historic site must be used for the educational programs conducted at the historic site and for the maintenance and operation of the historic site.

**Effective:** May 15, 2003.

---

---

### Lytle, Liggett, Robertson, Koch

(SENATE SPONSORS — LEWIS, MERRITT, WYSS)

---

---

January 7, 2003, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

February 3, 2003, amended, reported — Do Pass.

February 6, 2003, read second time, ordered engrossed. Engrossed.

February 10, 2003, read third time, passed. Yeas 90, nays 7.

#### SENATE ACTION

February 24, 2003, read first time and referred to Committee on Rules and Legislative Procedure.

March 11, 2003, reassigned to Committee on Natural Resources pursuant to Rule 65(b).

March 25, 2003, amended, reported favorably — Do Pass; reassigned to Committee on Finance.

---

---

C  
o  
p  
y

EH 1149—LS 7181/DI 77+



March 26, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1149

---

A BILL FOR AN ACT to amend the Indiana Code concerning  
natural and cultural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 14-8-2-77, AS AMENDED BY P.L.145-2002,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 MAY 15, 2003]: Sec. 77. "Division" has the following meaning:  
4 (1) For purposes of IC 14-9-8, the meaning set forth in  
5 IC 14-9-8-2.  
6 (2) For purposes of IC 14-20-1, the meaning set forth in  
7 IC 14-20-1-2.  
8 (3) For purposes of IC 14-21-1 **and IC 14-20-1.1**, the meaning set  
9 forth in IC 14-21-1-6.  
10 (4) For purposes of IC 14-22, the division of fish and wildlife.  
11 (5) For purposes of IC 14-24, the division of entomology and  
12 plant pathology.  
13 (6) For purposes of IC 14-25.5, the division of water.  
14 (7) For purposes of IC 14-31-2, the meaning set forth in  
15 IC 14-31-2-4.  
16 (8) For purposes of IC 14-37, the division of oil and gas.  
17 SECTION 2. IC 14-8-2-107, AS AMENDED BY P.L.145-2002,

EH 1149—LS 7181/DI 77+



C  
o  
p  
y

SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
MAY 15, 2003]: Sec. 107. "Fund" has the following meaning:

(1) For purposes of IC 14-9-5, the meaning set forth in  
IC 14-9-5-1.

(2) For purposes of IC 14-9-8-21, the meaning set forth in  
IC 14-9-8-21.

(3) For purposes of IC 14-9-9, the meaning set forth in  
IC 14-9-9-3.

(4) For purposes of IC 14-12-1, the meaning set forth in  
IC 14-12-1-1.

(5) For purposes of IC 14-12-2, the meaning set forth in  
IC 14-12-2-2.

(6) For purposes of IC 14-12-3, the meaning set forth in  
IC 14-12-3-2.

(7) For purposes of IC 14-13-1, the meaning set forth in  
IC 14-13-1-2.

(8) For purposes of IC 14-13-2, the meaning set forth in  
IC 14-13-2-3.

(9) For purposes of IC 14-19-4, the meaning set forth in  
IC 14-19-4-1.

(10) For purposes of IC 14-19-5, the meaning set forth in  
IC 14-19-5-1.

(11) For purposes of IC 14-20-1, the meaning set forth in  
IC 14-20-1-3.

**(12) For purposes of IC 14-20-1.1, the meaning set forth in  
IC 14-20-1.1-1.**

**(13)** For purposes of IC 14-20-11, the meaning set forth in  
IC 14-20-11-2.

~~(13)~~ **(14)** For purposes of IC 14-22-3, the meaning set forth in  
IC 14-22-3-1.

~~(14)~~ **(15)** For purposes of IC 14-22-4, the meaning set forth in  
IC 14-22-4-1.

~~(15)~~ **(16)** For purposes of IC 14-22-5, the meaning set forth in  
IC 14-22-5-1.

~~(16)~~ **(17)** For purposes of IC 14-22-8, the meaning set forth in  
IC 14-22-8-1.

~~(17)~~ **(18)** For purposes of IC 14-22-34, the meaning set forth in  
IC 14-22-34-2.

~~(18)~~ **(19)** For purposes of IC 14-23-3, the meaning set forth in  
IC 14-23-3-1.

~~(19)~~ **(20)** For purposes of IC 14-23-8, the meaning set forth in  
IC 14-23-8-1.



C  
o  
p  
y

~~(20)~~ **(21)** For purposes of IC 14-25-2-4, the meaning set forth in IC 14-25-2-4.

~~(21)~~ **(22)** For purposes of IC 14-25-10, the meaning set forth in IC 14-25-10-1.

~~(22)~~ **(23)** For purposes of IC 14-25-11-19, the meaning set forth in IC 14-25-11-19.

~~(23)~~ **(24)** For purposes of IC 14-25.5, the meaning set forth in IC 14-25.5-1-3.

~~(24)~~ **(25)** For purposes of IC 14-28-5, the meaning set forth in IC 14-28-5-2.

~~(25)~~ **(26)** For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-5.

~~(26)~~ **(27)** For purposes of IC 14-25-12, the meaning set forth in IC 14-25-12-1.

~~(27)~~ **(28)** For purposes of IC 14-33-14, the meaning set forth in IC 14-33-14-3.

~~(28)~~ **(29)** For purposes of IC 14-33-21, the meaning set forth in IC 14-33-21-1.

~~(29)~~ **(30)** For purposes of IC 14-34-6-15, the meaning set forth in IC 14-34-6-15.

~~(30)~~ **(31)** For purposes of IC 14-34-14, the meaning set forth in IC 14-34-14-1.

~~(31)~~ **(32)** For purposes of IC 14-37-10, the meaning set forth in IC 14-37-10-1.

SECTION 3. IC 14-10-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2003]: Sec. 1. The commission may do the following:

(1) Take the action that is necessary to enable the state to participate in the programs set forth in 16 U.S.C. 470 et seq.

(2) Promulgate and maintain a state register of districts, sites, buildings, structures, and objects significant in American or Indiana history, architecture, archeology, and culture and expend money for the purpose of preparing comprehensive statewide historic surveys and plans, in accordance with criteria established by the commission, that comply with the standards and regulations promulgated by the United States Secretary of the Interior for the preservation, acquisition, and development of the properties.

(3) Establish in accordance with criteria established by the United States Secretary of the Interior a program of matching grants-in-aid to public agencies for projects having as their purpose the preservation for public benefit of properties that are

C  
o  
p  
y



significant in American or Indiana history, architecture, archeology, and culture.

(4) Accept grants from public and private sources, including those provided under 16 U.S.C. 470 et seq.

**(5) Set, collect, and review admission fees for historic sites.**

SECTION 4. IC 14-20-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2003]: Sec. 8. (a) The division consists of the following two (2) sections:

(1) The section of museums.

(2) The section of historic sites.

~~(b) The division director may not serve as the head of a section of the division.~~

~~(c) An individual may not serve as the head of more than one (1) section of the division.~~

~~(d)~~ (b) There must be a separate line item for each section of the division in each bill appropriating money to the division.

SECTION 5. IC 14-20-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2003]: Sec. 9. The division may do the following:

(1) Undertake the action necessary to qualify the state for participation in sources of federal aid to preserve historic property, materials, items, sites, and memorials.

(2) Provide information on historic property, materials, items, sites, and memorials within Indiana to federal, state, and local governmental agencies, private individuals, and organizations.

(3) Advise and coordinate the activities of local historical associations, historic district commissions, historic commissions, and other interested groups or persons.

(4) Provide technical and financial assistance to local historical associations, historic district commissions, historic commissions, and other interested groups or persons.

(5) Develop a program of interpretation and publication of the state's historical, architectural, and archeological resources.

(6) Collect and preserve objects of scientific and cultural value representing past and present flora and fauna, the life and work of man, geological history, natural resources, the manufacturing arts, and fine arts.

**(7) Make and execute contracts or other instruments that are necessary or convenient to exercise the division's duties and powers.**

**(8) Establish and collect admission charges, fees, rent, and other user fees for the following:**

C  
o  
p  
y



(A) The state museum and historic sites.

(B) Restaurants and other facilities located at the state museum or historic sites.

(C) Programs, lectures, classes, tours, and trips provided at the state museum or historic sites.

(9) Employ or contract with a person to manage or operate any aspect of the state museum or historic sites.

(10) Make and sell merchandise, including publications, reproductions, educational and craft items, and souvenirs.

(11) Pay royalties, license fees, and charges for exhibits, artifacts, artwork, and other materials.

(12) Own and enforce the division's copyrights, trademarks, and service marks.

(13) Notwithstanding IC 5-22-22, under policies adopted by the division, sell, donate, or exchange artifacts in the division's collection to or with a public or nonprofit museum or historical society.

SECTION 6. IC 14-20-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2003]: Sec. 16. (a) The board of trustees for the division of state museums and historic sites is established.

(b) The trustees consist of thirteen (13) members as follows:

(1) The director of the department, who shall serve as chairman.

(2) Twelve (12) members appointed by the governor as follows:

(A) ~~One (1) member~~ **Three (3) members** of the Indiana State Museum Society Foundation who are nominated by the Society Foundation.

~~(B) One (1) member of the Indiana State Museum Volunteers nominated by the volunteers.~~

~~(C) (B)~~ **(B)** Two (2) members must be recognized supporters of historic sites who are nominated by a recognized supporter of historic sites.

~~(D) (C)~~ **(C)** Not more than seven (7) members may be members of the same political party.

~~(E) Not more than two (2) members may be from the same county.~~

~~(F) Each congressional district in Indiana must be represented by at least one (1) member.~~

(c) The terms of the appointed members shall be staggered.

**(d) The governor shall make appointments under subsection (b) in a manner to achieve diversity and geographic balance among the trustees.**



SECTION 7. IC 14-20-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2003]: Sec. 22. The trustees shall do the following:

~~(1)~~ Nominate, when the position of division director is vacant, a person to be appointed by the director to that position. If the director rejects a nominee's appointment, the trustees shall nominate another person.

~~(2)~~ Recommend, when appropriate, the dismissal of a division director.

~~(3)~~ Make recommendations concerning the salary ranges of the administrative, professional, and technical staff of the division.

~~(4)~~ (1) Review the budget needs and requests of the division and make recommendations concerning the needs and requests to the governor through the director.

~~(5)~~ (2) Recommend that the department accept or reject, hold, or dispose of grants of property to be administered by the division for the purpose of preservation, research, or interpretation of significant areas, events, or grants to citizens of Indiana for the purpose of preserving, studying, and interpreting archeological and natural phenomena, cultural trends, and accomplishments.

~~(6)~~ (3) Review, guide, and assist in the development of statewide outreach programs.

~~(7)~~ (4) Review, guide, and assist in the development of professionalism of the staff and operations.

~~(8)~~ (5) Review, recommend, and devise methods to enable the division to do the following:

~~(1)~~ (A) Increase the division's physical plant.

~~(2)~~ (B) Expand the educational areas.

~~(3)~~ (C) Meet storage needs.

~~(9)~~ (6) Develop a plan of growth to meet physical, program, and financial needs for both the immediate and long range future, monitor the plan at regular intervals, and ensure that the institution stays within the developed plan.

~~(10)~~ (7) Recommend policies, procedures, and practices that the commission, the director, and the secretary shall consider.

~~(11)~~ (8) Give advice or make recommendations to the governor and the general assembly when requested or on the initiative of the trustees.

~~(12)~~ (9) Review the conduct of the work of the division. To implement this duty, the trustees have access at any reasonable time to copies of all records pertaining to the work of the division.

~~(13)~~ (10) Adopt bylaws consistent with this chapter for the

C  
o  
p  
y



division's internal control and management and file a copy of the bylaws with the director.

~~(14)~~ **(11)** Hold meetings at the times and places in Indiana that are prescribed by the bylaws, but at least quarterly.

~~(15)~~ **(12)** Keep minutes of the transactions of each regular and special meeting and file the minutes with the director. The minutes are public records.

~~(16)~~ **(13)** Promote the welfare of the division.

~~(17)~~ **(14)** Make recommendations concerning the administration of the fund established by section 24 of this chapter.

SECTION 8. IC 14-20-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2003]:

**Chapter 1.1. Historic Site Fund**

**Sec. 1.** As used in this chapter, "fund" refers to the historic site fund established as a dedicated fund under section 2 of this chapter.

**Sec. 2. (a)** The historic site fund is established to provide funding for educational programs and the operation of historic sites. The fund shall be administered by the division.

**(b)** The expenses of administering the fund shall be paid from money in the fund.

**(c)** The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

**(d)** Money in the fund at the end of a state fiscal year does not revert to the state general fund.

**Sec. 3. (a)** Fees collected under IC 14-10-2-1(5) and proceeds from sales and leases under IC 14-20-1-23(b) shall be deposited in the fund.

**(b)** At least fifty-one percent (51%) of the fees collected under IC 14-10-2-1(5) from a particular historic site must be used for:

- (1)** educational programs conducted at the historic site; and
- (2)** the maintenance and operation of the historic site.

SECTION 9. An emergency is declared for this act.

C  
o  
p  
y





## COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1149, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, strike lines 28 through 29.

Page 5, line 30, strike "(C)" and insert "**(B)**".

Page 5, line 31, delete "." and insert "**who are nominated by a recognized supporter of historic sites.**".

Page 5, line 32, strike "(D)" and insert "**(C)**".

Page 7, line 27, after "3." insert "**(a)**".

Page 7, after line 29, begin a new paragraph and insert:

**"(b) At least fifty-one percent (51%) of the fees collected under IC 14-10-2-1(5) from a particular historic site must be used for:**

- (1) educational programs conducted at the historic site; and**
- (2) the maintenance and operation of the historic site."**

and when so amended that said bill do pass.

(Reference is to HB 1149 as introduced.)

BISCHOFF, Chair

Committee Vote: yeas 13, nays 0.

C  
o  
p  
y



REPORT OF THE PRESIDENT  
PRO TEMPORE

Mr. President: Pursuant to Senate Rule 65(b), I hereby report that Engrossed House Bill 1149, currently assigned to the Committee on Rules and Legislative Procedure, be reassigned to the Committee on Natural Resources.

GARTON

---

SENATE MOTION

Mr. President: I move that Senator Merritt be added as a second sponsor and Senators Wyss be added as cosponsor of Engrossed House Bill 1149.

LEWIS

C  
O  
P  
Y



COMMITTEE REPORT

Mr. President: The Senate Committee on Natural Resources, to which was referred House Bill No. 1149, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 1 through 8 with "[EFFECTIVE MAY 15, 2003]".

Page 7, after line 34, begin a new paragraph and insert:

"SECTION 9. **An emergency is declared for this act.**".

and when so amended that said bill do pass and be reassigned to the Senate Committee on Finance.

(Reference is to HB 1149 as printed February 4, 2003.)

WEATHERWAX, Chairperson

Committee Vote: Yeas 9, Nays 0.

C  
o  
p  
y

